



Permanent Mission of
Malaysia
to the United Nations

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**Statement by H.E. Mrs. Hayati Ismail
Ambassador/Representative of Malaysia
on Agenda Item 15: Question of Palestine
at the Plenary of the 60th Session of the General Assembly
New York, Tuesday, 29 November 2005**

Mr. President,

At the outset, my delegation would like to associate itself with the statement made earlier by H.E. Mr. Paul Badji, Permanent Representative of Senegal to the United Nations in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. We thank the Committee for its report as contained in document A/60/35. We also thank the Secretary-General for his report submitted under agenda item 15 as contained in document A/60/539. We continue to greatly appreciate the indispensable work carried out by the Committee, the Secretariat's Division for Palestinian Rights and other organs within the United Nations system concerning the question that is before us. We highly commend the commitment, efforts and contribution of the Secretary-General and his Office in this regard. We hope that they will persevere with their mandates and tasks until peace is achieved in the region and a State of Palestine is created with East Jerusalem as its capital.

2. We are commemorating today the International Day of Solidarity with the Palestinian People. The Prime Minister of Malaysia in his capacity as Chairman of the Non-Aligned Movement (NAM) has transmitted a message for that occasion, which outlines the concerns and aspirations of NAM on the question of Palestine. This statement should be read in conjunction with that message.

Mr. President,

3. The reports of the Committee and the Secretary-General continue to contain very disturbing accounts, revelations and stark realities about the situation on the ground. There have certainly been too many deaths, too many injuries, too much destruction and indescribable suffering, especially among the Palestinians, as a result of repressive policies, practices and measures by Israel. All these are contrary to Israel's obligation under international law, international human rights law and international humanitarian law. The international community must prevail upon Israel to respect its legal obligations just as other States are expected to do. We have a duty here at the United Nations to stop all the continuing atrocities and abhorrent policies and practices committed by Israel against the Palestinian population. We should not consider the casualties and destruction on both sides on the basis of numbers or percentages alone. The life of each human being --man, woman or child-- is sacred and precious and that it must be protected. Any act of violence inflicted upon innocent civilians in this conflict, be they Palestinians or Israelis, is unacceptable and deserves equal condemnation by all of us.

4. The period under review has seen several measures and efforts by both the Palestinians and the Israelis toward peace within the framework of the Road Map. However, the path towards peace remains a difficult and complicated process. This could be surmounted by stronger political will among all parties concerned. In this connection, my delegation considers the resumption of dialogue at the highest level between Palestinian and Israeli leaders as well as renewed efforts by Members of the Quartet as a very encouraging development. We also commend Egypt and Jordan for their role in facilitating the peace process. We are confident that all parties concerned will persevere in their important efforts. We also consider the withdrawal by Israel from the Gaza Strip and parts of the northern West Bank last September as a positive move. However, we strongly oppose the expansion and planned expansion of Israeli settlements in the West Bank, including East Jerusalem. These are contrary to Israel's obligations under the Road Map. We welcome the historic reopening three days ago of the Rafah crossings --a crucial link between the Gaza Strip and the outside world. This positive development has provided the 1.3 million mostly impoverished Palestinians in that area with not only access to various humanitarian needs in neighbouring Egypt and offering them the opportunities for greater economic activities and employment, but most importantly the event marked the regaining by the Palestinian people of an important part of their freedom and control of its own borders in that area after 38 years of Israeli occupation.

5. The ongoing construction by Israel of the Separation Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, seriously endangers the prospect for comprehensive peace in the region. The impact of the Wall on all aspects of Palestinian lives in the areas concerned, as documented in several reports by the United Nations, is overwhelming. The Wall threatens the territorial integrity of a future State of Palestine, as envisaged in Security Council resolution 1397 (2002) and upheld in the Road Map. The Wall is one of the most visible signs of the transformation of the Territory into a vast open-air prison, something which is unprecedented in our modern history. The Wall is a visible and clear act of territorial annexation by Israel under the guise of self-defense and security. And as we are all aware, the Wall has been declared contrary to international law by the International Court of Justice (ICJ), the principal judicial organ of the United Nations, in its Advisory Opinion rendered on 9 July 2004. The General Assembly has consequently adopted by overwhelming majority Resolution ES-10/15 outlining several important follow-up and concrete measures, inter alia, demanding Israel to stop the construction of the Wall, dismantle and remove the completed sections of the Wall, and pay reparations to all those affected by the construction of the Wall in the Occupied Palestinian Territory. We renew our call on Israel to take all necessary measures to comply with the ICJ Advisory Opinion and General Assembly resolution ES-10/15. We find it highly regrettable that the Security Council has not been able to look into this specific question of the Separation Wall in accordance with its functions and powers under Article 24 of the United Nations Charter.

Mr. President,

6. The question of Palestine remains high on the agenda of both the Non-Aligned Movement (NAM) and the Organization of the Islamic Conference (OIC). Malaysia as Chair of NAM and the Tenth OIC Summit has initiated several high-level initiatives relating to the question of Palestine this year. Some of these initiatives are as follows:

- First, Malaysian civil society organisations under the sponsorship of Peace Malaysia had successfully convened a World Civil Society Conference on Peace in Palestine in Putrajaya, Malaysia from 28 to 30 March 2005. The Conference, which was held pursuant to a decision by NAM and attended by representatives of civil society organisations from many parts of the world, including Israel, agreed, inter-alia, to establish an International Centre on Palestine for Civil Society in the South to be located in Malaysia. The International Centre would serve as a focal point in the global civil society campaign in support of Palestine. It is the Movement's hope that this

international campaign will be able to mobilise international public opinion against the continued Israeli occupation and illegal construction of the Wall and settlements, and in support of the early realisation of an independent and sovereign State of Palestine.

- Secondly, the Foreign Ministers of NAM who met in Doha in June and in New York in September, and the Foreign Ministers of OIC who met in Sana'a in June and in New York in September, had, inter alia, expressed their solidarity and support for the Palestinian people as well as the need for the Members of the Quartet to fulfil their responsibility to fully implement the Road Map for the viable creation of an independent and sovereign State of Palestine.
- Thirdly, the Foreign Ministers of the NAM Committee on Palestine who met in New York on 19 September had agreed on a number of measures to be taken by NAM in the context of the Movement's strong support for the Palestinian cause aimed at moving the peace process forward.
- Finally, the NAM and OIC Ministerial Delegations on Palestine had met with their counterparts from the Quartet and Permanent Members of the Security Council at the margins of the High-Level Plenary Meeting and the General Debate of the 60th Session of the General Assembly. During those meetings, they conveyed the position of NAM and the OIC on the urgency of pushing the peace process forward, beginning with salvaging the Road Map, as well as the concerns of both organisations on the continuous construction of the Separation Wall and the Israeli settlements in Occupied Palestinian territory.

Mr. President,

7. It is incumbent upon Israel to demonstrate to the international community that it is genuinely committed to a peaceful solution rather than a military one. Israel must realize that there can never be a military solution to the conflict. Similarly, the Palestinian Authority, with assistance from the international community, should continue with efforts to reform its relevant institutions and improve its security apparatus. My delegation commends the Palestinian Authority for what it has achieved in this regard despite various constraints. We urge both sides to continue to create, on the basis of and in compliance with the Road Map, the necessary environment that would enable negotiations to take place. The objective of a permanent two-State solution, Israel and Palestine, living side by side in peace and security within secure and recognised borders is achievable. The international community has a collective role to play in this regard. We must all work together to facilitate and redouble our efforts to attain a just, comprehensive and lasting settlement of the Israeli-Palestinian conflict.

8. The United Nations, including the General Assembly and the Security Council, has a permanent responsibility towards the question of Palestine until it is resolved in all its aspects on the basis of the Charter and the relevant resolutions of the General Assembly and the Security Council. The question should also be resolved in accordance with international law. In that connection, my delegation reaffirms its support for the important efforts of the Quartet and other concerned parties in pursuing the difficult and complicated path towards peace. The General Assembly is the last bastion of hope for the Palestinian people. The Assembly must uphold the rule of law and the purposes and principles of the Charter. In that connection, Malaysia is pleased to join other delegations in sponsoring the four draft resolutions initiated by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, which have been presented by the Chairman of the Committee for consideration by the Assembly under this important agenda item.

Thank you, Mr. President.